

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

**MICHAEL WESSON; THOMAS WOODS; and
COMMONWEALTH SECOND AMENDMENT, INC.**

Plaintiffs,

v.

**TOWN OF SALISBURY, a municipal corporation;
THOMAS FOWLER, Chief of the Town of Salisbury
Department of Police; TOWN OF NATICK, a
Municipal corporation; JAMES HICKS, Chief
of the Town of Natick Department of Police.**

Defendants

Docket No. 1:13-cv-10469

PARTIES' PROPOSED SCHEDULING ORDER

In compliance with United District Court for the District of Massachusetts Local Rule 16.1(B), counsel for the parties have conferred for the purpose of preparing an agenda of matters to be discussed at the Scheduling Conference of July 16, 2013, including a discovery plan as follows:

1. Pending Matters.

Plaintiffs challenge the constitutionality of G.L. c. 140, §§131 and 131A. As a result, the Commonwealth of Massachusetts has indicated that it intends to intervene in this case. To date, the Commonwealth has not filed a Motion to Intervene, but was notified of the proceeding by Counsel for Plaintiffs, as well as by Counsel for the Town of Salisbury and Salisbury Police Chief Thomas Fowler and Counsel for the Town of Natick and Natick Police Chief James Hicks of the pending Rule 16 Conference. In the event that the Commonwealth does not intervene in a timely manner, the Town of Salisbury and its Police Chief, as well as the Town of Natick and its Police Chief, will move to dismiss the case and/or to add the Commonwealth as a necessary party to the litigation pursuant to G.L. c. 231A, §8 and 28 U.S.C. §2403 to defend the constitutionality of the statute.

2. Timetable for Discovery and Motion Practice

- 1. Initial Disclosures.** Initial disclosures required by Fed. R. Civ. P. 26(a)(1) must be completed by August 6, 2013.
- 2. Amendments to Pleadings.** Except for good cause shown, no motions seeking leave to add new parties or to amend the pleadings to assert new claims or defenses may be filed after October 15, 2013.
- 3. Fact Discovery.**
 - a. All fact discovery to be completed by January 15, 2014.
 - b. Discovery motions, if any, shall be filed by February 3, 2014.
- 4. Expert Discovery.** Not applicable.
- 5. Dispositive Motions.**
 - a. Plaintiffs will file their motion for summary judgment (and for preliminary equitable relief in the alternative) no later than March 14, 2014.
 - b. Defendants shall file their oppositions to plaintiffs' motion for summary judgment and/or cross-motions for summary judgments by April 14, 2014.

6. Local Rule 16.1 Certifications

Local Rule 16.1(D)(3) Certificates to be filed separately.

7. Magistrate.

The parties do not consent to trial of this action by a Magistrate Judge.

Respectfully submitted,

THE PLAINTIFFS

By their attorneys,

/s/ Jeffrey T. Scrimo

Jeffrey T. Scrimo

Lynch Scrimo—Attorneys

PO Box 1787

THE DEFENDANTS

TOWN OF SALISBURY AND THOMAS
FOWLER

By /s/ Janelle M. Austin

Gregg J. Corbo, BBO# 641459

Janelle M. Austin, BBO # 666835

68 Main St., 2nd Floor
Lenox, MA 01240
BBO# 649864
(P) 413-637-1300
(F) 866-230-7304
Jeff@LenoxAttorney.com

Kopelman and Paige, PC
101 Arch St., 12th Floor
Boston, MA 02110-1109
(617) 556-0007
gcorbo@k-plaw.com
jaustin@k-plaw.com

THE DEFENDANTS
TOWN OF NATICK AND JAMES HICKS

By /s/Geoffrey P Wermuth
Geoffrey P Wermuth, BBO No. 559681
Murphy, Hesse, Toomey & Lehané
300 Colony Dr., PO Box 9126
Quincy, Massachusetts 02269-9126
gwermuth@mhtl.com
Phone (617) 479-5000

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 9 day of July, 2013.

/s/ Jeffrey T. Scrimo